



**PROPOSED RULE MAKING
(RCW 34.05.320)**

CR-102 (7/22/01)
**Do NOT use for expedited
rule making**

Agency: Department of Agriculture

- ☐ Preproposal Statement of Inquiry was filed as WSR 02-22-094; or
☐ Expedited Rule Making -- Proposed notice was filed as WSR _____; or
☐ Proposal is exempt under RCW 34.05.310(4).

- ☒ Original Notice
☐ Supplemental Notice
to WSR _____
☐ Continuance of WSR _____

(a) Title of rule: (Describe Subject) As a result of an Executive Order 97-02 rule review, the department is proposing to repeal the following sections that regulate commercial feed: WAC 16-200-750 Definitions and terms; WAC 16-200-755 Label format; WAC 16-200-760 Brand and product names; WAC 16-200-770 Expression of guarantees; WAC 16-200-790 Ingredient statement; WAC 16-200-795 Directions for use and precautionary statements; WAC 16-200-805 Tonnage fees; WAC 16-200-815 Adulteration; WAC 16-200-820 Screenings; WAC 16-200-830 Nonprotein nitrogen; WAC 16-200-840 Artificial color; WAC 16-200-860 Used sacks and containers; WAC 16-200-865 Commercial feed license; WAC 16-200-885 Commercial feed label submission; and WAC 16-200-887 Good manufacturing practices. These sections will be replaced with a new, clearly written rule chapter (chapter 16-250 WAC Commercial Feed Rules) that specifically addresses the needs and requirements of manufacturers and distributors of commercial feed in Washington State.

Purpose: The purpose of the proposed new chapter 16-250 WAC is to create a set of regulations that are easy to understand and use, reflect current national standards, safeguard the health of man and animals, establish a structure for orderly commerce, and provide protection for consumers and the regulated industry. Specifically, chapter 16-250 WAC:

- Addresses the specific needs of the Washington State processed livestock, poultry and fish industry.
- Is written in a clear and readable style that allows users to more easily understand and apply WSDA processed animal waste rules.
- Uses tables to clearly and succinctly present information wherever possible and appropriate.
- Increases the safety of commercial animal feed by incorporating applicable sections of 21 CFR Part 589.2000 (Animal proteins prohibited in ruminant feed)
- Incorporates applicable parts of the Association of American Feed Control Officials (AAFCO) model regulations to help increase the flow of trade and information and promotes regulatory consistency between Washington's commercial feed industry and the commercial feed industry in our sister states.
- Safeguards public and animal health and provides increased protection for consumers and the commercial feed industry.

Other identifying information: None

(b) Statutory authority for adoption: Chapter 15.53 RCW and Chapter 34.05 RCW

Statute being implemented: Chapter 15.53 RCW

(c) Summary: See Attachment (c)

Reasons supporting proposal: See Attachment (c)

(d) Name of Agency Personnel Responsible for:	Office Location	Telephone
1. Drafting..... Neil Lanning	Olympia	(360) 902-2052
2. Implementation... Ali Kashani	Olympia	(360) 902-2028
3. Enforcement..... Ali Kashani	Olympia	(360) 902-2028

(e) Name of proponent (person or organization): Washington State Department of Agriculture

- ☐ Private
☐ Public
☒ Governmental

(f) Agency comments or recommendations, if any, as to statutory language, implementation, enforcement and fiscal matters None

(g) Is rule necessary because of:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	If yes, ATTACH COPY OF TEXT
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Citation:
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	

(h) HEARING LOCATION:

See Attachment (h)

Date: ____ Time: ____ See Attachment (h)

Assistance for persons with disabilities: Contact
Laurie Mauerman by October 13, 2003

TDD (360) 902-1996 or () ____

NAME (TYPE OR PRINT)
Bob Arrington

SIGNATURE

TITLE
Assistant Director

DATE
September 17, 2003

Submit written comments to:

Laurie Mauerman
Washington State Department of Agriculture
P.O. Box 42560
Olympia, WA 98504-2560
FAX (360) 902-2093 or E-mail lmauerman@agr.wa.gov
By 5:00 p.m. on October 24, 2003

DATE OF INTENDED ADOPTION: November 19, 2003

CODE REVISER USE ONLY

(COMPLETE REVERSE SIDE)

(j) Short explanation of rule, its purpose, and anticipated effects:

See Attachment (c)

Does proposal change existing rules? X YES ☐ NO

If yes, describe changes:

See Attachment (c)

(k) Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.
A copy of the statement may be obtained by writing to:

telephoning: ()
faxing: ()

X No. Explain why no statement was prepared: In order to mitigate any potential adverse economic impact of its proposed new commercial feed requirements, the department is delaying the effective date of the new chapter until July 1, 2004. In addition, because the department could not determine the potential cost impact of its proposed new commercial feed requirements it conducted an economic impact survey. A survey, cover letter and a stamped envelope addressed to the department's Rules Coordinator was mailed (June 25, 2003) to commercial feed licensees licensed by the department (332 surveys). All licensees were given until August 1, 2003, to complete and return the survey. On July 11, 2003, the department mailed a follow up memo to all commercial feed licensees reminding them to complete and return the economic impact survey to the department.

The survey response rate was 20.2%. As a result of the cost, sales and employee figures reported by the respondents, the department calculated that the average annual new cost imposed by the proposed new commercial feed regulations is \$0.00 per each hundred dollars of sales reported and \$15.43 per employee. The department does not consider these costs to be "more than minor" and, therefore, has not prepared a formal Small Business Economic Impact Statement as described in chapter 19.85 RCW.

(l) Does RCW 34.05.328 apply to this rule adoption? ☐ Yes X No

Please explain: The Washington State Department of Agriculture is not a listed agency in RCW 34.05.328 (5)(a)(i).